

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

ZHANNA CHIZHIK,
Administratrix of the Estate
of Grigory Chizhik,
Plaintiff

C.A. NO.: 04-10106 JLT

v.

SEA HUNT, INC., TROPICLAND
MARINE AND TACKLE, INC., and
GREGORY ZILBERMAN,
Defendants

**PLAINTIFF, ZHANNA CHIZHIK'S OPPOSITION TO DEFENDANT, SEA
HUNT BOAT, INC.'S MOTION FOR SUMMARY JUDGMENT**

Now comes the plaintiff, Zhanna Chizhik and opposes the defendant, Sea Hunt Boat, Inc.'s Motion for Summary Judgment and pursuant to Fed.R.Civ.P. Rule 56 hereby files this Opposition to Defendant's Motion for Summary Judgment.

Defendant's motion is premature in that the court has not yet ruled on Plaintiff's Emergency Motion for Reconsideration of her Motion to Extend Deadlines, to Disclose Expert Witnesses, to Conduct Expert Witnesses and to Amend Scheduling Order.

Plaintiff further opposes defendant's motion for summary judgment on the grounds that expert testimony is not required to establish liability in design defect cases. Plaintiff also asserts that the defendant failed to warn of the inadequate capabilities for the intended use of the Navigator 22.

Plaintiff, Zhanna Chizhik moves this court to enter judgment in its favor. There being genuine issues of material facts defendant is not entitled to judgment as a matter of law.

Plaintiff,
by his attorneys,

/s/ David B. Kaplan
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